



General Assembly

Substitute Bill No. 5599

January Session, 2005

* _____ HB05599JUD _____ 051905 _____ *

AN ACT CONCERNING THE OPERATION OF ALL-TERRAIN VEHICLES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 14-380 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2005*):

3 On or after October 1, 1971, no person shall operate and no owner
4 shall permit the operation of any snowmobile or all-terrain vehicle
5 unless the owner holds a valid, effective registration awarded by this
6 state or by another state or by the United States, provided such state or
7 district of registration grants substantially similar privileges for
8 snowmobiles or all-terrain vehicles owned by residents of this state
9 and registered under its laws, and unless the identification number set
10 forth in such registration is displayed on such snowmobile or all-
11 terrain vehicle as prescribed in section 14-381, as amended by this act,
12 provided every resident of this state shall obtain such registration from
13 this state under the provisions of section 14-381, as amended by this
14 act, before such operation shall be lawful. The provisions of this
15 section shall not apply (1) to the operation of a snowmobile [or all-
16 terrain vehicle] on premises owned or leased by the owner of such
17 snowmobile, [or all-terrain vehicle or] (2) to the operation of a
18 snowmobile or all-terrain vehicle in any organized contest as long as
19 such snowmobile or all-terrain vehicle is operated in the contest area,

20 provided the owner of such snowmobile or all-terrain vehicle holds a
21 valid, effective registration awarded by this state or by another state or
22 the United States, or (3) to the operation of an all-terrain vehicle in any
23 organized event occurring on a closed course on private property with
24 the written permission of the private property owner. Any person who
25 violates any provision of this section shall be fined one hundred
26 twenty dollars.

27 Sec. 2. Section 14-381 of the general statutes is repealed and the
28 following is substituted in lieu thereof (*Effective October 1, 2005*):

29 Any owner required to register a snowmobile or all-terrain vehicle
30 shall apply to the commissioner and shall file evidence of ownership
31 by affidavit or document. Upon receipt of an application in proper
32 form and the registration fee, the commissioner shall assign an
33 identification number and provide the owner with a certificate of
34 registration and registration plate. The registration plate, which shall
35 be affixed by the owner, shall be displayed on the snowmobile or all-
36 terrain vehicle at a place and in a manner prescribed by the
37 commissioner. In addition to such registration plate, each snowmobile
38 and all-terrain vehicle so registered shall display its registration
39 number on each side of its front section, midway between the top and
40 bottom of said front section, in letters or numbers at least three inches
41 in height and made of a reflective material. The certificate of
42 registration shall be carried on such snowmobile or all-terrain vehicle
43 and shall be available for inspection whenever such snowmobile or all-
44 terrain vehicle is being operated. The owner shall pay a fee of [twenty]
45 thirty dollars for each snowmobile or all-terrain vehicle so registered.
46 Each such certificate of registration shall expire biennially on the last
47 day of March.

48 Sec. 3. Section 14-383 of the general statutes is repealed and the
49 following is substituted in lieu thereof (*Effective October 1, 2005*):

50 Each snowmobile dealer or all-terrain vehicle dealer, as defined by
51 section 14-379, shall register with the commissioner who shall assign a

52 distinguishing number and issue three registration plates bearing the
53 number assigned to such dealer. The fee for such registration shall be
54 fifteen dollars, and on and after July 1, 1992, eighteen dollars. A
55 registration plate shall be attached to each snowmobile or all-terrain
56 vehicle, which may be used only for the purposes of demonstration or
57 sale. All dealers of new or used snowmobiles or all-terrain vehicles
58 shall provide information on registration requirements, laws,
59 regulations and certification requirements to all persons who purchase
60 such vehicles.

61 Sec. 4. Section 22a-27h of the general statutes is amended by adding
62 subsection (d) as follows (*Effective October 1, 2005*):

63 (NEW) (d) There is established an account, within the Conservation
64 Fund, to be known as the all-terrain vehicle account. All revenue
65 received by the state from fees for the numbering and registration of
66 all-terrain vehicles and for certificates issued pursuant to section 23-
67 26b, as amended by this act, shall be paid to the Treasurer and all such
68 revenue in excess of forty thousand dollars shall be deposited in the
69 Conservation Fund and credited to the all-terrain vehicle account. Any
70 funds remaining in the all-terrain vehicle account at the end of any
71 fiscal year shall be carried forward in the account for the succeeding
72 fiscal year. The all-terrain vehicle account shall be used for the
73 following purposes: (1) All expenses incurred by the Commissioner of
74 Motor Vehicles and the Commissioner of Environmental Protection in
75 the administration and enforcement of the laws and regulations of the
76 state respecting all-terrain operation and damage from all-terrain
77 vehicles; (2) grants by the Commissioner of Environmental Protection
78 for use by organizations that engage in all-terrain vehicle safety
79 education and the planning, design, construction, maintenance and
80 improvement of all-terrain vehicle facilities; (3) expenditures for all-
81 terrain vehicle safety, education, patrols, enforcement and training
82 programs and the planning, design, acquisition, construction,
83 maintenance and improvement of recreational facilities related to all-
84 terrain vehicles; and (4) expenditures by the Commissioner of
85 Environmental Protection to supplement projects that qualify for

86 grants under the National Recreational Trails Program. Not less than
87 forty per cent of the funds available for expenditure from the all-
88 terrain vehicle account shall be used for planning, design, acquisition,
89 construction, maintenance and improvement of recreational facilities
90 related to all-terrain vehicles. Any organization desiring to obtain
91 funds from the all-terrain vehicle account for purposes of subdivision
92 (2) of this subsection shall apply to the Commissioner of
93 Environmental Protection upon forms as the commissioner may
94 prescribe. The commissioner may approve payment to any
95 organization, provided such organization has provided the
96 commissioner with sufficient evidence that the proposed use of such
97 funds is: (A) In accordance with the provisions of this subsection; (B)
98 not in conflict with any program planned or undertaken by any state
99 agency; (C) needed for the safety or convenience of all-terrain vehicle
100 users and the general public; and (D) approved by the governing body
101 of such organization. The commissioner shall, not later than December
102 first of each year, submit to the Comptroller a fiscal report that
103 includes a statement of all revenues received by and expenditures
104 made from the all-terrain vehicle account during said fiscal year.

105 Sec. 5. Section 14-387 of the general statutes is repealed and the
106 following is substituted in lieu thereof (*Effective October 1, 2005*):

107 No person shall operate a snowmobile or all-terrain vehicle in the
108 following manner: (1) On any public highway, except such
109 snowmobile or all-terrain vehicle, if operated by a licensed motor
110 vehicle operator, may cross a public highway if the crossing is made at
111 an angle of approximately ninety degrees to the direction of the
112 highway and at a location where no obstruction prevents a quick and
113 safe crossing, the snowmobile or all-terrain vehicle is completely
114 stopped before entering the traveled portion of the highway and the
115 driver yields the right-of-way to motor vehicles using the highway,
116 provided nothing in this subsection shall be construed to permit the
117 operation of a snowmobile or all-terrain vehicle on a limited access
118 highway, as defined in subsection (a) of section 13a-1; (2) in such a
119 manner that the exhaust of the snowmobile or all-terrain vehicle makes

120 an excessive or unusual noise; (3) without a functioning muffler,
121 subject to the provisions of section 14-80, properly operating brakes,
122 sufficient and adequate front and rear lighting and reflecting devices,
123 except (A) an all-terrain vehicle with an engine size of ninety cubic
124 centimeters or less shall not be required to be equipped with front and
125 rear lighting and shall not be operated [after dark] between the hours
126 of sunset and sunrise, and (B) an all-terrain vehicle with an engine size
127 greater than ninety cubic centimeters shall be required to be equipped
128 with front and rear lighting while operating between the hours of
129 sunset and sunrise; (4) in any manner which would cause harassment
130 of any [game] wildlife, as defined in section 26-304 or domestic animal
131 or that would affect endangered or threatened species or species of
132 special concern or essential habitats of such endangered or threatened
133 species, as defined in section 26-304; (5) on any land without the
134 written permission of the owner, or the agent of the owner, or in the
135 case of state-owned land, without the written permission of the state
136 agency or institution under whose control such land is, or in the case of
137 land under the jurisdiction of a local municipality without the written
138 permission of such municipality, which written permission shall be
139 carried on the person operating the all-terrain vehicle while on such
140 land; and (6) on any railroad right-of-way. Nothing in sections 14-379
141 to 14-390, inclusive, shall preclude the operation of a snowmobile or
142 all-terrain vehicle (A) on the frozen surface of any public body of
143 water, provided any municipality may by ordinance regulate the hours
144 of operation of snowmobiles and all-terrain vehicles on public waters
145 within such municipality and provided the operation of a snowmobile
146 or all-terrain vehicle shall be subject to the provisions of section 25-43c;
147 or (B) on any abandoned or disused railroad right-of-way, except
148 where such right-of-way is designated as a trail or greenway for
149 nonmotorized recreation, or in any place or upon any land specifically
150 designated for the operation of snowmobiles and all-terrain vehicles
151 by statute, regulation or local ordinance. Any person who violates any
152 provision of this section shall have committed a separate infraction for
153 each such violation.

154 Sec. 6. Section 23-26b of the general statutes is repealed and the
155 following is substituted in lieu thereof (*Effective October 1, 2005*):

156 (a) No person shall operate and no owner of an all-terrain vehicle
157 shall permit operation of an all-terrain vehicle on [state land] lands
158 owned or managed by the state and designated for all-terrain vehicle
159 use without first obtaining a safe all-terrain vehicle certificate from the
160 Commissioner of Environmental Protection or from another state,
161 pursuant to subsection (e) of this section, and unless such vehicle is
162 registered pursuant to section 14-380, as amended by this act. No safe
163 all-terrain vehicle certificate to operate an all-terrain vehicle on state
164 land [shall be issued to any person under eighteen years of age unless
165 such person has completed a safety education course for all-terrain
166 vehicles given pursuant to section 23-26d] shall be issued by the
167 commissioner to any applicant unless such applicant is ten years of age
168 or older and provides proof of having successfully completed a course
169 in safe all-terrain vehicle operation approved by the commissioner
170 pursuant to section 23-26d or has successfully passed an equivalency
171 examination testing knowledge of safe all-terrain vehicle operation as
172 administered by the commissioner. Operators of all-terrain vehicles
173 must obtain a safe all-terrain certificate by the following dates: (1) For
174 operators who are twenty years of age or younger, by October 1, 2005;
175 (2) for operators who are twenty-one to twenty-five years of age, by
176 October 1, 2006; and (3) for operators who are twenty-six years of age
177 or older, by January 1, 2007. The fee for such safe all-terrain vehicle
178 certificate shall be established by the commissioner pursuant to section
179 23-26f and such fees shall be credited to the all-terrain vehicle account
180 established pursuant to subsection (d) of section 22a-27h of the general
181 statutes, as amended by this act. Any certificate issued by the
182 commissioner pursuant to this section shall be valid for the life of the
183 person to whom such certificate is issued.

184 (b) The commissioner may require that any person operating an all-
185 terrain vehicle on state land (1) furnish proof of liability and property
186 damage insurance on the vehicle, and (2) agree to indemnify and hold
187 harmless the state of Connecticut against any and all suits, claims,

188 demands or judgments, including claims presented under the
189 provisions of chapter 53, that may be allowed against the state for
190 injury to any person as a result of the operation of an all-terrain vehicle
191 on state land.

192 (c) Any person issued a certificate to operate an all-terrain vehicle
193 pursuant to this section or who holds a safe all-terrain vehicle
194 certificate from another state, as described in subsection (e) of this
195 section, shall have such certificate on such vehicle at all times that the
196 person is operating the vehicle as well as the written permission
197 required under section 14-387, as amended by this act. On demand of
198 an officer authorized to enforce the provisions of this chapter, such
199 person shall present the certificate or written permission to the officer.

200 (d) Notwithstanding the provisions of this section, the
201 Commissioner of Environmental Protection may modify or suspend
202 requirements for a certificate to operate an all-terrain vehicle, by
203 written authorization, with respect to an all-terrain vehicle event
204 authorized by the commissioner.

205 (e) The commissioner may enter into a reciprocal agreement with
206 any state that issues a safe all-terrain vehicle certificate, provided the
207 certification program of such other state requires education and testing
208 substantially similar to the education and testing requirements
209 necessary to obtain a safe all-terrain vehicle certificate under
210 subsection (a) of this section. Such agreement shall permit persons
211 holding a valid, effective safe all-terrain certificate from such other
212 state to be in compliance with the requirements of subsection (a) of this
213 section.

214 Sec. 7. Section 23-26e of the general statutes is repealed and the
215 following is substituted in lieu thereof (*Effective October 1, 2005*):

216 (a) No person less than [twelve] ten years of age shall operate an all-
217 terrain vehicle on [state land] lands owned by or managed by the state.
218 A person between twelve and sixteen years of age may operate an all-
219 terrain vehicle on [state land] lands owned or managed by the state

220 and designated for use by all-terrain vehicles provided such person
221 has obtained a safe all-terrain certificate pursuant to section 23-26b, as
222 amended by this act, and is supervised by a person eighteen years of
223 age or older who has completed a safety education course given
224 pursuant to section 23-26d. A person not less than ten years of age and
225 not more than twelve years of age may operate an all-terrain vehicle on
226 lands owned or managed by the state and designated for use by all-
227 terrain vehicles, provided such person has obtained a safe all-terrain
228 vehicle certificate pursuant to section 23-26b, as amended by this act,
229 and is supervised by a parent or legal guardian who has completed a
230 safety education course given pursuant to section 23-26d. No person
231 may operate an all-terrain vehicle with a passenger on lands owned or
232 managed by the state and designated for use by all-terrain vehicles
233 unless such vehicle is designed and equipped for carrying such
234 passengers by the manufacturer, and no person less than ten years of
235 age may ride as a passenger on such all-terrain vehicle on lands owned
236 or managed by the state and designated for use by all-terrain vehicles
237 with any operator who is less than eighteen years of age. Any person
238 sixteen years of age or younger who operates an all-terrain vehicle or is
239 a passenger on an all-terrain vehicle on lands owned or managed by
240 the state and designated for use by all-terrain vehicles shall wear a
241 helmet approved for such use by the United States Department of
242 Transportation or by the Snell Memorial Foundation.

243 (b) Notwithstanding the provisions of subsection (a) of this section,
244 the commissioner may modify or suspend the age requirements for
245 operation of an all-terrain vehicle, by written authorization, with
246 respect to an all-terrain vehicle event or certificate training course
247 authorized by the commissioner.

248 (c) The commissioner may, by regulations adopted pursuant to
249 section 23-26f, as amended by this act, modify or suspend the age
250 requirements of subsection (a) of this section, with respect to the
251 creation of an all-terrain vehicle facility on lands owned or managed
252 by the state dedicated to use by children.

253 Sec. 8. Section 23-26f of the general statutes is repealed and the
254 following is substituted in lieu thereof (*Effective October 1, 2005*):

255 The Commissioner of Environmental Protection shall adopt
256 regulations in accordance with the provisions of chapter 54 to
257 implement the provisions of sections 23-26b to 23-26e, inclusive, as
258 amended by this act, including, but not limited to, (1) establishing
259 standards and procedures for certification of operators of all-terrain
260 vehicles and the use of all-terrain vehicles on state land, (2) setting a
261 fee sufficient to cover the cost of implementing the certification
262 program required pursuant to section 23-26b, and (3) establishing
263 safety requirements for the operation of all-terrain vehicles on state
264 land which shall include provisions for noise levels. Any regulations
265 concerning safety shall be adopted in consultation with the
266 Commissioner of Consumer Protection.

267 Sec. 9. Subsection (b) of section 51-164n of the general statutes is
268 repealed and the following is substituted in lieu thereof (*Effective*
269 *October 1, 2005*):

270 (b) Notwithstanding any provision of the general statutes, any
271 person who is alleged to have committed (1) a violation under the
272 provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-
273 283, 7-325, 7-393, 8-25, 8-27, 9-63, 9-296, 9-305, 9-322, 9-350, 10-193, 10-
274 197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292, or 12-326g,
275 subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section
276 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-
277 113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-
278 143b, 13a-247 or 13a-253, subsection (f) of section 13b-42, section 13b-
279 90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or
280 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414,
281 subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (e)
282 of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49,
283 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a, 14-66b
284 or 14-67a, subsection (g) of section 14-80, subsection (f) of section 14-
285 80h, section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152,

286 14-153 or 14-163b, a first violation as specified in subsection (f) of
 287 section 14-164i, section 14-219 as specified in subsection (e) of said
 288 section, section 14-240, 14-249 or 14-250, subsection (a), (b) or (c) of
 289 section 14-261a, section 14-262, 14-264, 14-267a, 14-269, 14-270, 14-275a,
 290 14-278 or 14-279, subsection (e) of section 14-283, section 14-291, 14-
 291 293b, 14-319, 14-320, 14-321, 14-325a, 14-326, 14-330 or 14-332a, 14-380,
 292 as amended by this act, subdivision (1), (2) or (3) of section 14-386a,
 293 section 15-33, subsection (a) of section 15-115, section 16-256, 16-256e,
 294 16a-15 or 16a-22, subsection (a) or (b) of section 16a-22h, section 17a-24,
 295 17a-145, 17a-149, 17a-152, 17a-465, 17a-642, 17b-124, 17b-131, 17b-137
 296 or 17b-734, subsection (b) of section 17b-736, section 19a-30, 19a-33,
 297 19a-39 or 19a-87, subsection (b) of section 19a-87a, section 19a-91, 19a-
 298 105, 19a-107, 19a-215, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287, 19a-
 299 297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340, 19a-
 300 425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-257, 20-265 or 20-324e,
 301 subsection (a) of section 20-341, section 20-341l, 20-597, 20-608, 20-610,
 302 21-30, 21-38, 21-39, 21-43, 21-47, 21-48, 21-63, 21-76a, 21a-21, 21a-25,
 303 21a-26 or 21a-30, subsection (a) of section 21a-37, section 21a-46, 21a-
 304 61, 21a-63 or 21a-77, subsection (b) of section 21a-79, section 21a-85,
 305 21a-154, 21a-159, 21a-201, 21a-211, 22-13, 22-14, 22-15, 22-16, 22-29, 22-
 306 34, 22-35, 22-36, 22-37, 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-39d, 22-
 307 39e, 22-49, 22-54, 22-61, 22-89, 22-90, 22-98, 22-99, 22-100, 22-111o, 22-
 308 279, 22-280a, 22-318a, 22-320h, 22-324a, 22-326 or 22-342, subsection (b)
 309 or (e) of section 22-344, section 22-359, 22-366, 22-391, 22-413, 22-414,
 310 22-415, 22a-66a or 22a-246, subsection (a) of section 22a-250, subsection
 311 (e) of section 22a-256h, subsection (a) of section 22a-381d, section 22a-
 312 449, 22a-461, 23-37, 23-38, 23-46 or 23-61b, subsection (a) or (b) of
 313 section 23-65, section 25-37, 25-40, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-
 314 49, 26-54, 26-59, 26-61, 26-64, 26-79, 26-89, 26-97, 26-107, 26-117, 26-128,
 315 26-131, 26-132, 26-138, 26-141, 26-207, 26-215, 26-224a, 26-227, 26-230,
 316 26-294, 28-13, 29-6a, 29-109, 29-161y, 29-161z, 29-198, 29-210, 29-243, 29-
 317 277, 29-316, 29-318, 29-341, 29-381, 30-48a, 30-86a, 31-3, 31-10, 31-11, 31-
 318 12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-28, 31-32, 31-
 319 36, 31-38, 31-38a, 31-40, 31-44, 31-47, 31-48, 31-51, 31-51k, 31-52, 31-52a
 320 or 31-54, subsection (a) or (c) of section 31-69, section 31-70, 31-74, 31-

321 75, 31-76, 31-76a, 31-89b or 31-134, subsection (i) of section 31-273,
322 section 31-288, 36a-787, 42-230, 45a-450, 45a-634 or 45a-658, subdivision
323 (13) or (14) of section 46a-54, section 46a-59, 46b-22, 46b-24, 46b-34, 47-
324 34a, 47-47, 49-8a, 49-16 or 53-133, subsection (a) or (b) of section 53-211,
325 or section 53-212a, 53-249a, 53-252, 53-264, 53-302a, 53-303e, 53-311a,
326 53-321, 53-322, 53-323, 53-331, 53-344 or 53-450, or (2) a violation under
327 the provisions of chapter 268, or (3) a violation of any regulation
328 adopted in accordance with the provisions of section 12-484, 12-487 or
329 13b-410, shall follow the procedures set forth in this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2005</i>	14-380
Sec. 2	<i>October 1, 2005</i>	14-381
Sec. 3	<i>October 1, 2005</i>	14-383
Sec. 4	<i>October 1, 2005</i>	22a-27h
Sec. 5	<i>October 1, 2005</i>	14-387
Sec. 6	<i>October 1, 2005</i>	23-26b
Sec. 7	<i>October 1, 2005</i>	23-26e
Sec. 8	<i>October 1, 2005</i>	23-26f
Sec. 9	<i>October 1, 2005</i>	51-164n(b)

ENV *Joint Favorable Subst.-LCO*

FIN *Joint Favorable*

TRA *Joint Favorable*

JUD *Joint Favorable*